

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

J&J SPORTS PRODUCTIONS, INC.,)	
)	
Plaintiff,)	
vs.)	NO. CIV-06-0361-HE
)	
CEDRIC JONES, ET AL.,)	
)	
Defendants.)	

ORDER

This court previously ordered, in light of the ragged and haphazard conduct of counsel for both parties in this case, that if the case did not settle on or before the August 7, 2008, date referenced in the court's order, each counsel would be required as a condition of their continued participation in this case to file a certificate that he/she has read the local rules of this court. Order, June 23, 2008 [Doc. #68]. No counsel did so by the date contemplated in that order. The court therefore entered orders reprimanding counsel for plaintiffs [Doc. #81], who belatedly, but eventually, filed the requisite certifications, and striking the appearance of counsel for defendants [Doc. #81], who never filed the certification. Now, based on a professed inability to comply with the court's order due to the parties' efforts to reschedule the settlement conference in this case,¹ the fact that disqualified counsel will still be in other cases which may be consolidated with this one, or otherwise, all counsel have moved for reconsideration of the court's disciplinary orders. Counsel for defendants has

¹Given the rather pointed comments of the court which led to the entry of the June 23, 2008, order, it would have been prudent for counsel to seek clarification from this court as to its expectations in light of the timing of the scheduled status conference or of the rescheduled settlement conference. No party or counsel did so.


asked for “one final opportunity” to comply with the court’s previous order, reminiscent of Hoover’s request to Dean Wormer for “one last chance” as, due to the efforts of his fraternity, the town of Faber lay in ruins.²

Based on what is perhaps the triumph of hope over experience, the court concludes counsel should be permitted one last chance. The parties’ motions to reconsider [Doc. Nos. 82 & 83] are **GRANTED**. The court’s order of August 26, 2008 [Doc. #81] is **VACATED** insofar as it struck defendant counsel’s appearance or otherwise sanctioned counsel, conditioned on counsel for defendants filing on or before **September 19, 2008**, if he can truthfully do so, the written certification referenced in the court’s June 23, 2008, order.

All counsel should appreciate the need for full and rigorous compliance with the applicable rules, as well as the dictates of sound professional practice and common sense, as this case goes forward.

IT IS SO ORDERED.

Dated this 12th day of September, 2008.



JOE HEATON
UNITED STATES DISTRICT JUDGE

²*National Lampoon’s “Animal House” (1978).*